Previous references.

Sl 4. Same File. Bellary '05

File No. 162 of 1904-05

1904

(11 Courts)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 5 and 6.

PART B. FOR June 1905

SUBJECT.

Procedure in cases of appeals to be preferred to the Chief Court at the instances of Govt.

FILE No. 162 of 1904-05.

Procedure in cases of appeals to be prefcrred to the Chief Court at the instance of Government.

5 From the District Magistrate of Mysore, No. 1143, dated the 15th June 1905.
Requests to be informed whether he can consult the Public Prosecutor in the matter of preferring appeals against acquittals as laid down in para 4 (c) of Government Order No. 1 32-85—J. 137 of 1902-03, dated the 16th March 1904, or whether he should consult the Government Advocate in such matter as ordered in Government Proceedings No. J. 3354-63—C. 162-2, dated the 22nd May 1905.

6 To the same officer, No. J. 3683, dated the 23rd June 1905.
Invites his attention to Government Proceedings No. J. 3354-63—C. 162-4, dated the 22nd May 1905, and observes that the order in question does not debar the District Magistrate from consulting the Public Prosecutor as well, though it does not necessarily require him to do so, or dispense with the necessity for consulting the Government Advocate.

B. May 1905 : Sl. 4 : same file.

G. R

G. R. S. 11] 1904.

GENERAL AND REVENUE SECRETARIAT

(Bombay)

NOTES.

File. No. 162

FILE HEADING.

Procedure in cases of appeals to be preferred to the Chief Court at the instance of Govt.

From

The District Magistrate of Mysore.

No. 1143 Dated 15/6/05 Received 17/6/05

Diary No. J 2602 | Enclos. — | Spare Copies. — | Serial No. 3

BRIEF ABSTRACT OF LETTER.

Requests to be informed whether he can consult the Public Prosecutor in the matter of preferring appeals against acquittals as allowed in para 4 (c) of Govt. order No. 1532-82 dated 16/3/01 or whether he should consult the Govt. Standing Counsel as ordered in Govt. Proc No. J 3352-63 / C 162-4 dated 22nd May 1905.

NOTES AND ORDERS.

The order of 1901 does not seem to supersede the order of 1888 & which the attention of the District magistrates was directed in Govt. Proc No. J 3352-63 — C 162-4 dated 22nd May 1905. Subject to order. Draft letter to Magistrate accordingly.

Notes—First sheet 17/6.

G.R.S. 12]

General and Revenue Secretariat.

File No. 162 of 1904-05

Serial No.

The Order of 21-5-05, which embodies the latter ~~orders~~ instructions on the subject of the Law Officer's Committee in connection with the filing of appeals. Observe at the same time that the order in question does not debar the Dept. from consulting it does not necessarily require them to consult the Public Prosecutor as well —

1/6/05

Draft sent 21/6/05

Secy 20.6.05

Put up 21-6-1905

6 Draft sent 21/6/05
To the Dist Magte, Mysore, No. J 3683 dt 23/6/05

MGCPB—50,000—17-2-05

Gen. 31] 1905 ~~189~~ Cruel J2602

From H. H. Sparkes Esqr
District Magistrate
Mysore

To
C. K. Venkataramadasaiengar Esqr
Secretary to the Govt of Mysore
General & Rev Departts

Dated 15
Despatched June 1905
Received

General No. 1143
No.

Enclosure No.

Solicits instructions as to whether Public Prosecutors may be consulted in the matter of preferring appeals to Chief Court against acquittals.

III HB
17/6/05

No. 1143

District Magistrate's office
Mysore
Dated 15th June 1905

To
B. K. Venkatavaradacharyar Esqr.
Secretary to the Government of Mysore
General & Revenue Departments.

Sir,

Adverting to Government order No. J 3354-63 / C 162-2 dated the 22d May 1905, passing orders in the matter of consulting the Government Advocate before proposals for preferring appeals to the Chief Court are submitted, I have the honor to state that Government order No. 1932-85 / J 137 of 1902-03 dated 16th March 1904, lays down in para 4(e) that it is the duty of the Public Prosecutor to give legal advice on all proposals to appeal under the Criminal Procedure Code, whereas the Proceedings under adverstance states that it is the Government Advocate who should be Consulted.

2. After the receipt of Government order of March 1904, I have been Consulting the Public Prosecutor in all such matters

matters which procedure may be Con-
-sidered wrong according to the recent order.
I solicit instructions whether I can
Consult Public Prosecutors in the matter
of preferring appeals against acquittals.

I have the honour to be,

Sir,

Your most obedient Servant

H. H. Sparkes

District Magistrate

Mysore

3

G.R.S. 26]

File No. 162
Serial No. 6

Diary No. of letter replied to

No. J 3683 dt 23/6/08
C-162-6

General and Revenue Secretariat
(Madras)
, *the* 23/6/ 1905.

To
The District Magistrate
Tellicherry

Date of issue 23/6/08

Signed by Mr. K. Chandu
Sekhara Aiyar

Sir,

I am directed to acknowledge the receipt of your letter No. 1143 of the 15th June 1908, asking instructions as to whether Public Prosecutors may be consulted in the matter of appeals to be preferred to the High Court against acquittals.

2. In reply, I am directed to invite your attention to Govt Orders No. J 3357-63 dt 2nd May 1908, which embodies the latest instructions on the subject of the lines upon which the

over.

SUBJECT.

Consulted in connection with the filing of appeals against acquittals. I am to observe that the order in question does not debar the District Magistrate from consulting the Public Prosecutor as well, though it does not necessarily require him to do so or dispense with the necessity for consulting the Govt. Advocate.

I have to

21-6-1905

20/6/05

Secretary

MD 21/6/05

15/6

List of enclosures.

Copied by 22/6/05.

Examined by

MGCPB—5,000—20-5-04